

Notice of Allowability

Application No.

09/995,268

Examiner

Minh Dinh

Applicant(s)

FERREN ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the examiner's amendment authorized on 01/04/06.
2. ☒ The allowed claim(s) is/are 1-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 01/04/06.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael A. Glenn on 01/04/06. The application has been amended as follows:

- Amend claim 13:

13. A method for authenticating the identity of an operator of an imaging device, comprising the steps of:

- retrieving an image captured by said image device;

- retrieving biometric information that is associated with and stored with said image ~~at substantially the same time that said image is captured~~, wherein said biometric information is obtained by at least one biometric sensor independently of capture of said image by said imaging device, wherein said biometric information is obtained at substantially the same time that said image is captured;

- obtaining candidate biometric information indicating the identity of a supposed operator of said imaging device;

- comparing said candidate biometric information and said stored biometric information; and

authenticating said supposed operator as said imaging device operator at the time of capture of said image if said stored biometric information substantially matches said candidate biometric information.

- Replace the paragraph at page 1, line 6 of the specification with the following paragraph:

"This application claims priority to U.S. Provisional Application No. 60/250,955, filed November 29, 2000."

2. Formal drawings are required. Failure to timely file the formal drawings will result in **ABANDONMENT** of the application.

3. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth in the Office action mailed 07/12/05. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

4. The following is an examiner's statement of reasons for allowance. The present invention is directed to a method and an apparatus for associating/storing an imaging device operator's biometric information with an image captured by the operator using the imaging device, the biometric information being used later to authenticate a person as the operator of the imaging device when the image was captured. More specifically, independent claims 1, 13, 19 and 33 identify the uniquely distinct features: the biometric information and the image, which will be stored together, are captured independently and substantially simultaneously. The closest prior art, Takahashi (US 2005/0036656 A1), also disclose a method for associating an imaging device operator's ID information with an image captured by the operator using the imaging device, the ID information generated to univocally correspond to the operator's biometric information. Whereas the ID information and the image are captured independently, the ID information has been previously generated during a registration process rather than at the same time when the image is captured. Another prior art, Bjorn (6,125,192) discloses capturing biometric information and an image simultaneously; however, the biometric information and the image are not captured independently. The prior art, taken either singly or in combination, fails to anticipate or fairly suggest the limitations of applicant's independent claim, in such a manner that a rejection under 35 U.S.C 102 or 103 would be proper. The claimed invention is therefore considered to be in condition for allowance as being novel and nonobvious over prior art

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

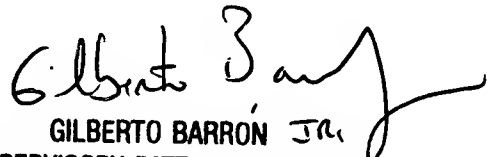
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD
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Examiner
Art Unit 2132

MD
01/04/06


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